

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

NICO CRUZ SANCHEZ, individually, and on behalf of other members of the general public similarly situated,)	Case No.: 1:20-cv-1510 JLT EPG
)	
Plaintiff,)	ORDER REGARDING THE PARTIES’ STIPULATION TO ADD OMITTED CLASS
)	MEMBERS
v.)	(Doc. 76)
)	
MOHAWK INDUSTRIES, et al.,)	ORDER CONTINUING THE FINAL APPROVAL AND FITNESS HEARING TO APRIL 22, 2025
)	
Defendants.)	
)	

Nico Cruz Sanchez asserts the defendants—including Mohawk Industries, Inc.; Dal-tile Service, Inc.; Daltile Service, and Inc.; Dal-tile Corporation— failed to comply with California’s wage and hour laws. (*See generally* Doc. 69.) Previously, the Court granted preliminary approval of the parties’ settlement of the claims raised in this action, and ordered the Settlement Administrator to mail the approved class notice upon the identified class members. (Docs. 73, 74.) The parties now report that after the Court granted preliminary approval and the class members received notice, “Defendants determined that two (2) individuals who were not included in the original Class Member Information are Class Members (‘Omitted Class Members’), and the Settlement Administrator has not mailed the Class Notice to the Omitted Class Members.” (Doc. 75 at 4.)

According to the parties, “he Settlement Administrator determined that it would cost an additional \$6,745.14 to fund the amounts due to the Omitted Class Members, using the same formulas

1 used to calculate payments in the Notice provided to the Included Class Members.” (Doc. 76 at 4-5.)
2 In addition, the Settlement Administrator informed the parties that “additional costs associated
3 with administering the Settlement with respect to the Omitted Class Members[] will not exceed the
4 amount allocated in the Preliminary Approval Order, which is \$9,000.” (*Id.* at 5.) Based upon this
5 information, Defendants “agreed to pay an additional \$6,745.14, plus Defendants’ share of any
6 employer payroll taxes attributed to payment to the Omitted Class Members, in addition to the
7 Maximum Settlement Amount.” (*Id.*)

8 The parties report that to include the Omitted Class Members in the Settlement, they agree “the
9 Settlement Administrator will mail a Notice of Settlement, substantially similar to the Revised Class
10 Notice that this Court approved on October 31, 2024 ..., to the Omitted Class Members, and provide
11 the Omitted Class Members with forty-five (45) calendar days from the initial mailing to object to or
12 opt out of the Settlement.” (Doc. 76 at 5.) The parties reported there was “sufficient time to
13 accomplish sending Notice to the Omitted Class Members and providing the same opportunity to object
14 to, or opt out of, the Settlement that was provided to Included Class Members before the scheduled
15 Final Approval and Fairness Hearing on April 1, 2025.” (*Id.*)

16 Significantly, the parties’ presumption that there was “sufficient time” without modification of
17 any current deadlines presumed that the Court could review the terms of the stipulation—and the
18 Settlement Administrator could mail the revised class notice— nearly immediately upon receipt.
19 However, given the scarcity of judicial resources in this District, such an immediate review was not
20 practicable. For this reason, amendments to the notice and final approval schedule are necessary
21 provide the Omitted Class Members the proper notice and opportunity to respond. Because the Court
22 “reserve[d] the right to continue the date of the Final Approval and Fairness Hearing without further
23 notice to class members,” additional notice to the other class members is not required. (*See* Doc. 73 at
24 43-44.)

25 Based upon the foregoing, the Court **ORDERS**:

- 26 1. The parties’ stipulation to add the Omitted Class Members is **APPROVED** in part.
- 27 2. The two Omitted Class Members **SHALL** be included in the Settlement.
- 28 3. Defendants **SHALL** fund \$6,745.14 in Settlement Payments for the Omitted Class

Members separately and in addition to the Maximum Settlement Amount, and this amount will be included in the final Net Settlement Amount distributed to Class Members who do not opt out of the Settlement (i.e., Settlement Class Members) and the PAGA Aggrieved Employees.

4. **The Final Approval and Fairness Hearing is CONTINUED to April 22, 2025, at 9:00 a.m.**

5. The previously approved Notice **SHALL** be modified to include the proper response deadlines for the Omitted Class Members.

6. The Settlement Administrator **SHALL** mail the Notice to the the Omitted Class Members no later than **February 18, 2025**.

7. Plaintiff **SHALL** file a declaration regarding the response of the Omitted Class Members, addressing whether there are any objections or requests for exclusion, no later than **April 11, 2025**.

8. **All other deadlines regarding final approval, including requests for attorneys' fees, expenses, and the class representative service payment, remain unchanged.**

IT IS SO ORDERED.

Dated: **February 12, 2025**


UNITED STATES DISTRICT JUDGE